

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

TERRIE OCKMAND,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 11-105V

Special Master Christian J. Moran

Filed: May 14, 2013

Attorneys' fees and costs; stipulation of
fact; award in the amount to which
respondent does not object

UNPUBLISHED DECISION ON FEES AND COSTS¹

Isaiah Richard Kalinowski, Maglio, Christopher & Toale, Sarasota, FL, for petitioner;
Alexis B. Babcock, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner, Terrie Ockmand, filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on May 2, 2013.² Previously, petitioner submitted a draft application for final attorneys' fees and costs to respondent for review and comment. During informal discussions, respondent raised objections to certain items in petitioner's draft application. Based on these discussions, petitioner amended his application to request reimbursement for attorneys' fees and costs in the amount of \$21,496.32. In addition, petitioner personally incurred reimbursable out-of-pocket litigation costs in the amount of \$40.00. Respondent does not object to the amended request. The Court awards this amount.

Petitioner filed his petition on February 18, 2011 and was awarded compensation on November 29, 2012. Judgment entered on November 30, 2012. Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

² Issuance of the instant decision was delayed by the subsequent filing of petitioner's statement in compliance with General Order #9 on May 10, 2013.

Petitioner seeks a total of **\$21,496.32** in attorneys' fees and costs for their counsel. Additionally, in compliance with General Order No. 9, petitioner states that she incurred **\$40.00** in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amounts requested for attorneys' fees and costs, and petitioner's costs, which total **\$21,536.32**.

After reviewing the request, the court awards:

- A. A lump sum payment of \$21,496.32 in the form of a check payable jointly to petitioner and petitioner's counsel, Isaiah Kalinowski, for attorneys' fees and costs available under 42 U.S.C. §300aa-15(e); and**
- B. A lump sum payment of \$40.00 in the form of a check payable to petitioner for out-of-pocket expenses incurred by petitioner in proceeding on the petition.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.³

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.